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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1994

Addendum

TRINIDAD AND TOBABO

[16 February 1996]

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CONTENTS

	Paragraphs	Page
INTRODUCTION	1 - 4	5
I. GENERAL MEASURES OF IMPLEMENTATION	5 - 20	6
A. Measures taken to harmonize national law with the provisions of the Convention	5 - 8	6
B. Measures taken to harmonize national policy with the provisions of the Convention	9 - 15	8
C. Existing or planned mechanisms at the national or local level for coordinating policies relating to children and for monitoring implementation of the Convention	16	9
D. Publicity given to the Convention on the Rights of the Child/children's activities	17 - 20	10
II. DEFINITION OF THE CHILD	21 - 31	11
III. GENERAL PRINCIPLES	32 - 36	13
A. Non-Discrimination (art. 2)	32	13
B. Best interest of the child (art. 3)	33 - 34	14
C. Right to life, survival and development (art. 6)	35	14
D. Respect for the views of the child (art. 12)	36	15
IV. CIVIL RIGHTS AND FREEDOMS	37 - 48	15
A. Name and nationality (art. 7)	37 - 40	15
B. Preservation of identity (art. 8)	41	15
C. Freedom of expression (art. 13)	42	16
D. Access to appropriate information (art. 17)	43	16
E. Freedom of thought, conscience and religion (art. 14)	44	16
F. Freedom of association and of peaceful assembly (art. 15)	45	16
G. Protection of privacy (art. 16)	46	16

CONTENTS (continued)

		Paragraphs	Page
	H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37)	47 - 48	16
V.	FAMILY ENVIRONMENT AND ALTERNATIVE CARE	49 - 91	17
	A. Parental guidance (art. 5)	49 - 50	17
	B. Parental responsibilities (art. 18, paras. 1, 2 and 3)	51 - 55	17
	C. Separation from parents (art. 9)	56 - 61	19
	D. Family reunification (art. 10)	62 - 63	19
	E. Recovery of maintenance for the child (art. 27, para. 4)	64 - 71	20
	F. Children deprived of a family environment (art. 20)	72	21
	G. Adoption (art. 21)	73 - 75	21
	H. Illicit transfer and non-return (art. 11)	76	21
	I. Abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)	77 - 81	21
	J. Periodic review of placement (art. 25)	82 - 91	22
VI.	BASIC HEALTH AND WELFARE	92 - 107	24
	A. Survival and development (art. 6, para. 2)	95 - 96	25
	B. Disabled children (art. 23)	97 - 99	25
	C. Health and health services (art. 24)	100 - 104	27
	D. Social security and child-care services and facilities (art. 26 and art. 18, para. 3)	105 - 107	28
VII.	EDUCATION, LEISURE AND CULTURAL ACTIVITIES	108 - 146	29
	A. Education, including vocational training and guidance (art. 28)	108 - 131	29
	B. Aims of education (art. 29)	132 - 139	33

CONTENTS (continued)

		Paragraphs	Page
	C. Leisure, recreation and cultural activities (art. 31)	140 - 146	36
VIII.	SPECIAL PROTECTION MEASURES	147 - 171	38
	A. Children in conflict with the law	147 - 163	38
	B. Children in situations of exploitation, including physical and psychological recovery and social reintegration	164 - 171	44
IX.	CONCLUSION	172 - 178	46

Bibliography

Annexes

I. Achievements in relation to the health goals adopted at the World Summit for Children.

II. Recorded achievements in reaching the World Summit for Children goals in the field of education.

Introduction

1. Trinidad and Tobago is a twin island State located at the southernmost part of the Caribbean archipelago, north-east of Venezuela. The country's total population is 1,160,633 persons, 39.6 per cent of whom are aged 18 years and under (1990). Although the country experienced rapid economic growth in the 1970s as a result of increased oil prices and production, the economy has been in a state of decline, beginning in the 1980s and continuing into the present decade. Petroleum export earnings fell by close to one half, with the result that net foreign exchange reserves, which totalled US$ 1 billion in 1986, turned negative in 1988 and the rate of unemployment increased from a long-term rate of approximately 10 per cent to a conservative estimate of over 20 per cent by 1990.

2. The steep decline in income increased the poverty level from just over 3 per cent of total households in 1981 to an estimated 22.5 per cent of households over the period 1988-1992

3. One of the major consequences of the economic downturn has been the increased demands placed on an already beleaguered social services delivery system. The emerging situation reveals that women and children are being forced to endure to a disproportionate degree the burden of adjustment efforts. Recognizing its commitment to protect the vulnerable and disadvantaged, the Government of Trinidad and Tobago ratified the United Nations Convention on the Rights of the Child on 25 November 1991. In many respects, the rights of the child as defined in the Convention are protected under local legislation. This report will describe the provisions of local legislation that are already in keeping with those of the Convention, the administrative measures taken to implement the Convention and areas of planned action.

4. In keeping with article 44, paragraph 1, of the Convention, the Government of Trinidad and Tobago commenced preparation of its initial report in 1994. Activities relating to the formulation of the report were coordinated by the Ministry of Social Development and input from the relevant social sector agencies was facilitated through the Inter-Ministerial Committee for the formulation of the National Plan of Action for Children. Subsequent to the completion of the first draft, the report was distributed to a wide range of governmental and non-governmental agencies for comment. Additionally, a two-day workshop was conducted on 15 and 16 March 1995 in collaboration with the Centre for Justice and International Law (CEJIL) Caribbean Office. The workshop sought to familiarize both governmental and non-governmental organizations with the provisions of the Convention and to examine Trinidad and Tobago's draft report. The workshop generated a number of substantive recommendations for improving the draft report and these were subsequently incorporated where feasible.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to harmonize national law with the provisions of the Convention

5. The Government of the Republic of Trinidad and Tobago is firmly committed to ensuring the rights guaranteed to children under the Convention on the Rights of the Child and in this regard has embarked on the following strategies toward fulfilment of its obligation:

(a) In an early effort to facilitate ratification of the Convention, the National Family Services Division of the Ministry of Social Development in collaboration with the United Nations Children's Fund (UNICEF) commissioned a compilation and codification of the child and family laws of Trinidad and Tobago. The resulting document identifies the gaps in all the laws relating to the child in light of the Convention and presents a comprehensive analysis of these laws for possible reform or amendment This report was completed on 4 February 1992;

(b) In support of the work completed previously and to enable preparation of the country's initial report, the Ministry of Social Development directed its Legal Officer to conduct a further examination of the articles of the Convention to assess the legislative provisions and amendments necessary to ensure compliance with the Convention. This report contains an in-depth analysis of the articles of the Convention in the context of local legislation such as: the Children Act, chapter 46:01; the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, chapter 46:08; the Status of Children Act, chapter 46:07; the Attachment of Earnings (Maintenance) Act, 1988; the Matrimonial Proceedings and Property Act, chapter 45:51; the Adoption of Children Act, chapter 46:03; the Sexual Offences Act, 1986; the Offences Against the Person Act, chapter 11:08; the Summary Offences Act, chapter 11:02; the Domestic Violence Act, 1991; the Probation of Offenders Act, chapter 13:51; and the Age of Majority Act, chapter 46:06. The Legal Officer concluded that in many respects the legislation in force at present complied with the basic requirements of the Convention. However, certain issues will require legislative action including legislation to regulate child care facilities, legislation to ensure that children with disabilities are not discriminated against, the introduction of foster care legislation and legislation to establish a Child Care Board to act as the lead agency with responsibility for abused children;

(c) A comprehensive analysis of the Children Act, chapter 46:01 and the Adoption of Children Act, chapter 46:03 to determine the amendments necessary to update these pieces of legislation was completed on 17 June 1994.

6. Several pieces of legislation were either created or amended which are in keeping with Trinidad and Tobago's obligations under the Convention. These include:

(a) The Domestic Violence Act, which came into force in August 1991. This Act enables a victim of domestic violence to seek a protection order in the Magistrate's Court. It creates only one new offence which is breach of a protection order, and its method of achieving its aim is to define a domestic

violence offence substantially in terms of existing criminal offences, thus underlining that certain behaviour is no less offensive because the parties have a domestic relationship;

(b) The Attachment of Earnings {Maintenance} Act, 1988, proclaimed in December 1991, makes provision for maintenance to be deducted by an employer. The court can direct an employer to deduct from the earnings of a person a specified amount, which, in the case of maintenance for children, is required either to be paid to a parent or guardian or to a collecting officer depending on which court the order was made;

(c) The Child Care Services Bill (1992) was drafted to provide for a system of licensing of child care centres to ensure the maintenance of an acceptable standard of care at these institutions. In order to achieve this objective, the Bill establishes a Child Care Services Board which will also have a mandate to formulate policy for the care of children. The Bill is currently under review;

(d) The Ministry of Social Development drafted legislation to amend the Children Act in 1993. The Children (Amendment) Act 1994 provides a legal framework for addressing children at risk in circumstances not catered for previously. Specifically, the Act now provides the court with the power to make a care order which, among other things, empowers designated social workers to remove a child to a place of safety if an offence as stipulated has been (or there is reason to believe has been) committed against the child. Additionally a care order can now be made in all cases where the court is satisfied that a child has suffered, is suffering or is likely to suffer harm to cause concern for that child.

Factors and difficulties

7. To a large extent, the laws dealing with the rights and protection of children in Trinidad and Tobago comply with the requirements of the Convention.

8. With respect to those areas identified as requiring legislative action, factors and difficulties which either prevent or delay harmonization of the national law with the provisions of the Convention can be summarized as follows:

(a) The legislative reform process is a lengthy one and can take a number of years;

(b) The moral, religious or cultural bases of certain laws, for example, those relating to the minimum age for marriage and corporal punishment of children, present a difficulty in arriving at a consensus position;

(c) Lack of financial resources to implement legislation (e.g. adjustments to the criminal jurisdiction to confer protection on 16 to 18-year-olds would require extensive physical infrastructure to be put in place);

(d) The absence of a single Authority with responsibility for children;

(e) The lack of data which is necessary to inform policy on legal reform.

B. Measures taken to harmonize national policy with the provisions of the Convention

9. In 1991, Cabinet appointed a multidisciplinary task force to prepare a report detailing care options for children in need of special care, in accordance with articles 20 and 21 relating to foster placement, adoption and institutional care. This report was subsequently approved by Cabinet. In keeping with the recommendation to establish a foster care system as the most cost-effective alternative to institutional care, the Ministry of Social Development is in the process of establishing such a system.

10. A National Plan of Action was formulated in 1992 by an Inter-Ministerial Committee convened by the Ministry of Social Development and comprising representatives of a number of social sector Ministries including Health, Education, Planning and Development, Community Development, Culture and Women's Affairs and Sport and Youth Affairs. The Plan details the following priority areas for action, consistent with the provisions of the Convention:

(a) Maternal and child health and family planning (arts. 6 and 24)

(b) Basic education and literacy (arts. 27 and 28);

(c) Children in especially difficult circumstances (arts. 19, 20, 21, 23, 32, 39 and 40);

(d) Supporting educational goals (art. 29).

Additionally, supporting areas such as food and nutrition (art. 24.2 (c) and (e)), children and the environment (arts. 24.2 (c) and (d) and 27) and alleviation of poverty (art. 26) are addressed. In this regard, Trinidad and Tobago has surpassed (as early as 1993) many of the goals relating to child health, food and nutrition, maternal health and basic education and literacy.

11. A Policy on Persons with Disabilities incorporating elements outlined in article 23 on access to education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities was approved in 1994. A plan of action for implementing measures is currently being developed.

12. The National Family Services Coordinating Council prepared a Policy on Standards and Procedures For Children's Homes in accordance with article 3, paragraph 3, of the Convention. Cabinet approval of this policy must now be sought.

13. In August 1992, Cabinet appointed a multidisciplinary committee to analyse current policies geared towards crime prevention among the youth population in Trinidad and Tobago and to determine strategies for the mitigation of the problem of escalating criminal activity in this area. A comprehensive report was submitted in February 1994 which incorporated the

factors associated with juvenile and youth crime, a review of existing programmes and related recommendations in keeping with articles 19, 39 and 40 of the Convention.

Factors and difficulties

14. No mechanisms exist for the continuous collection of statistical and other data to inform policy formulation.

15. The implementation of relevant programmes to address policy issues is constrained by the lack of human and financial resources allocated specifically for this purpose.

C. Existing or planned mechanisms at the national or local level for coordinating policies relating to children and for monitoring implementation of the Convention

16. There is no single authority which deals specifically with children's policies and programmes. However, the State apparatus has been organized to carry out children-oriented policies and programmes in the following ways:

(a) The Ministry of Social Development provides a number of social services to the family, and by extension children, through some of its constituent divisions, e.g. National Family Services, Social Welfare, Legal Aid and Advisory Authority and Probation;

(b) An Inter-Ministerial Committee has recently been appointed by Cabinet to ensure implementation of the measures outlined in the NPA and the report on the situation analysis of children in especially difficult circumstances in Trinidad and Tobago. It is envisaged that the Committee will develop a draft action plan for implementation of the aforementioned measures within six months.

(c) A National Family Services Coordinating Council was created in 1990. The National Family Services Division which functions as the Secretariat to the Coordinating Council performs the following functions:

(i) Collects national information and data reflecting the present situation of families; prepares profiles of families and identifies family-related issues and problems;

(ii) Maintains effective communication with the national and local bodies and organizations concerned with family-related issues;

(iii) Encourages incorporation of family programmes into national development strategies as integral and effective components;

(iv) Examines and monitors the care and safety of children housed at government institutions and homes run by private persons and organizations.

(d) The Government is considering the enactment of legislation to establish a Child Care Board which would act as the lead agency with responsibility for abused children. The Board would be charged with responsibility for, inter alia, maintaining a child abuse register and in any proposed scheme for mandatory reporting of child abuse the Board would be the agency to which such abuse is reported. The Board would also be responsible for developing a Protocol on Child Abuse;

(e) Pursuant to the establishment of a foster care system, a foster care committee will be convened to oversee the development, implementation and monitoring of the system;

(f) The National Council for Early Childhood Care and Education has been re-established to manage the provision of early childhood care and education in Trinidad and Tobago;

(g) A committee has been appointed by Cabinet to monitor implementation of the recommendations emanating from the report on the juvenile delinquency and youth crime situation in Trinidad and Tobago.

D. Publicity given to the Convention on the Rights of the Child/children's activities

17. Prior to ratification of the Convention, two one-day consultations were conducted which were attended by members of non-governmental organizations, social workers and professionals in the field of child care. Participants benefited from a comprehensive introduction to the articles of the Convention on the Rights of the Child. Subsequent workshops held under the aegis of the Family Services Division, Ministry of Social Development, have also dealt, inter alia, with the issue of the Rights of the Child.

18. To assist in the promotion of the Convention/World Declaration, a World Children's Day rally was held on 27 April 1992. The theme of the Rally was "Future: all children deserve one today". Approximately 12 schools participated in small projects on issues affecting the community. They suggested solutions and submitted written reports on their learning experience.

19. The Ministry of Social Development, in collaboration with the Centre for Justice and International Law, hosted a Workshop on the Convention of the Rights of the Child on 15 and 16 March 1995 in order to sensitize a wide cross-section of the national community to the objectives of the Convention and to Government's obligations under the Convention.

20. Planned actions in relation to publicity of the Convention on the Rights of the Child include:

(a) Promotion of the Convention through rallies, poster campaigns, workshops and sensitization of the media;

(b) Training for the judiciary, all security personnel and child-care workers regarding the significance of the Convention;

(c) Sensitization of parents to the rights guaranteed to children under the Convention.

II. DEFINITION OF THE CHILD

21. Age of attainment of majority. According to the Age of Majority Act, chapter 46:06 a person under the age of 18 years is regarded as a minor and as lacking full legal capacity. The Children Act, chapter 46:01 is the primary piece of legislation dealing with the protection of children and the relationship between children and the legal process. "Child" is defined as a person under the age of 14 and "young person" as a person who is 14 years of age or older and under the age of 16. The distinction is made because under the Act, the court treats a child differently from a young person in respect of certain matters, for example committal. The Act deals not only with protection of persons under 16 years, but also with certain offences committed against these persons, industrial schools and orphanages, juvenile offenders and employment of children.

22. Minimum age of sexual consent. A girl under the age of 14 is incapable of consenting to sexual intercourse (unless married to the male). The penalty in this instance is life imprisonment (Sexual Offences Act, 1986 sects. 6 and 7) Even in respect of a girl of 14 or 15 years, where the offence carries a lower penalty, the girl in fact cannot consent, and the only defence permissible, based on the girl's behaviour, is where the boy is also young, being not more than 3 years older than the girl. A female may also be charged if she has intercourse with a boy under 16 years - whether or not he consented.

23. Minimum age for marriage. In Trinidad and Tobago, this is governed by both statutory law and the common law. Three different situations apply:

(a) Under the Hindu Marriage Act, chapter 45:03, a girl may marry at age 14 and a boy at 18;

(b) Under the Muslim Marriage and Divorce Act, chapter 45:02, a girl may marry at 12 and a boy at 16;

(c) Under the common law, the ages are 12 for a girl and 14 for a boy.

Parental consent is required for all marriages of minors except in respect of a Hindu girl who has attained the age of 16 years.

24. Minimum age for giving voluntary testimony. A child may give sworn testimony if he/she understands the nature of the oath. The child may give unsworn testimony if he/she does not understand the nature of the oath provided that the court considers him/her to be sufficiently intelligent to justify the reception of evidence and also considers him/her to understand the duty of speaking the truth.

25. Minimum age of deprivation of liberty. A child under 14 cannot be sentenced to imprisonment. A child who is 14 years or older and under the age

of 16 may be sentenced to imprisonment if the court determines that the child is so unruly or so depraved that he cannot be detained in an institution other than a prison.

26. Minimum age for consumption of alcohol and other controlled substances. Section 60 of the Liquor Licences Act, chapter 84:10 prohibits the sale of alcohol to a child under the age of 16. With the exception of certain specified persons, possession of any narcotic is a criminal offence attracting a very severe penalty. Narcotic is defined to include such substances as heroin, cocaine, opium, morphine, cannabis resin, cannabis.

27. End of compulsory education. As detailed in the Education Act, chapter 39:01, section 76 (1), the compulsory school age in Trinidad and Tobago is between 6 and 12 years of age and the penalty for contravention of this by parents is a summary offence with a small fine. However, the State provides education well beyond the 6 to 12 period, and in practice school age is 6 to 15 years, although shortage of facilities prevents this from being assured for all.

28. Part-time employment, full-time employment and hazardous employment. The Children Act, chapter 46:01, section 94, makes clear that it is an offence to employ a child under the age of 12, or for a guardian to mislead an employer as to the age of a child. The Children Act, chapter 46:01 91 and 93 further states that no child under 14 may be employed in a factory or any auxiliary business. There is also a prohibition against the employment of a child of under 14 in a public industrial undertaking or on board a vessel, except where the enterprise is a family concern involving only members of the child's own family. Where young persons under the age of 16 are employed in an industrial undertaking, including heavy industry, and industries where articles are manufactured, repaired or ornamented, the employer or ship's master must keep a register of such persons, which shall be produced on request for inspection by the police. The Children Act, chapter 46:01, Part V, maintains that until a person is 18, he may not be employed in an industrial undertaking at night, which means between 10 p.m. and 5 a.m., except in a family enterprise, or within other limited exceptions. Females, whether children or not, are also restricted in employment by the Employment of Women (Night Work) Act, chapter 88:12. This prevents women from being employed in industrial undertakings during any portion of a period of 11 consecutive hours from 10 p.m. to 5 a.m. The exceptions are industrial undertakings that employ only members of the same family, and women in managerial positions not ordinarily engaged in manual work.

29. Criminal liability. The age below which a child is conclusively presumed to be unable to commit an offence is seven years under the common law. However, legislation raising the age of criminal responsibility to either 10 or 12 is being considered.

30. Deprivation of liberty. The provisions of the Children Act deal with corrective action where minors come into contact with the courts, and where "children" under 14 years of age are treated as one category and "young persons" of 14 or 15 years as a different category. The Act only extends to persons of 16 and over in a few contexts.

Planned action in regard to definition of the child

31. The Government is considering recommendations to:

(a) Amend the Children Act, chapter 46:01 to restructure and clarify the definition of a child and to extend the protection afforded by the Act to 16- to 18-year-olds. Inter alia, this will necessitate the following:

(i) Re-defining certain offences, for example, the offences of cruelty prescribed in the Act, to rationalize the maximum age for protection and the various minimum ages at which specific offences may be committed;

(ii) Conferring the protection of a fit person order and the proposed care order under the Children (Amendment) Bill to persons up to age 18;

(iii) Extending the age limit at which children may be removed or may go to places of safety to 18;

(iv) Raising the age of a juvenile or youthful offender to 18 - this would have to be considered together with provisions on the arrest, bail, remand, custody, detention, attendance before court, penalties, commitment and other provisions which relate to juvenile offenders. At present, this is between 7 and 16 years;

(b) Engage in consultation with a wide cross-section of the national community in order to determine a single minimum age for marriage. Preliminary discussions indicate that 16 years may be an acceptable minimum age;

(c) Amend the Family Law Act, chapter 46:08 to allow maintenance orders to continue until the age of 18 years without the need for a court direction to this effect;

(d) Amend the Matrimonial Proceedings and Property Act, chapter 45:51 to extend maintenance orders up to age 18 in the first instance.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

32. Criteria regarding race, origin, colour, religion and sex appear in section 4 of Trinidad and Tobago's Constitution as factors which shall not be the basis of discrimination. However, the fundamental human rights and freedoms listed there are not the same as the provisions of the Convention. The Constitution does not consider property as a basis for discrimination which must be enjoined. Discrimination by reason of disability will not be found within local legislation. Discrimination by reason of birth, save to the extent that a child may not be entitled to residence or nationality, is not to be found in the local law.

B. Best interests of the child (art. 3)

33. It is generally accepted that local courts are guided by the principle that the welfare of the child is the paramount consideration and this is explicit in the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, chapter 46:08.

34. Steps have already been taken to amend the Children Act to make express the "best interests" principle and to include a list of factors which the court must have regard to in determining the child's best interests in each case. Consideration is being given to amending the Family Law Act, the Matrimonial Property and Proceedings Act, the Adoption Act and other relevant statutes mandating the court in proceedings relating to custody, for example, to have regard to the following factors in determining the child's best interests:

(a) The love, affection and emotional ties between the child and

(i) Each person entitled to or claiming custody of or access to the child;

(ii) Other members of the child's family who reside with the child;

(iii) Persons involved in the care and upbringing of the child;

(b) The preferences and views of the child where such views and preferences can be reasonably ascertained;

(c) The length of time the child has lived in a stable home environment;

(d) The ability and willingness of each person applying for custody of the child to provide the child with guidance and education, the necessities of life and any special needs of the child;

(e) Any plan proposed for the care and upbringing of the child;

(f) The permanence and stability of the family unit within which it is proposed that the child will live;

(g) The relationship by blood or through an adoption order between the child and each person who is a party to the application.

C. Right to life, survival and development (art. 6)

35. Local legislation protects the right to life from conception onwards, through the Offences Against the Person Act, chapter 11:08, which prohibits the procurement of a miscarriage. Survival and development is extensively discussed in the chapter on basic health and welfare.

(d) Respect for the views of the child (art. 12)

36. The Children (Amendment) Act, 1994 enunciates the principle that a child who is capable of forming his or her own views should have the right to express those views freely in all matters affecting the child: "A Magistrate, in making an order, shall do so with the child or young person's welfare as the paramount consideration, taking into account the wishes of the child or young person involved where such wishes can be reasonably ascertained".

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

37. The Births and Deaths Registration Act, chapter 44:01 makes provision for a child to be "registered immediately after birth, and to have the right from birth to a name". The Act creates an obligation to register the birth of a child within 42 days, and places the primary duty upon the father and mother. In default of the parents, the occupant of the premises where the child is born, persons present at the birth, or the person having charge of the child is obligated to register the birth. If none of these persons registers the child's birth within that time, the Registrar for the district can, if he becomes aware of the birth, require any of them to give the necessary information, but only within the period up to three months after the birth. After that time, and up to a year after the birth, he may instead require them to give the information by solemn declaration, and the registration must be effected in the presence of the Registrar and the Superintendent Registrar for the district and they also sign the entry. Failure to give information about a birth carries a fine of $100 for each offence.

38. After a period of 12 months has elapsed and a birth is still unregistered it may only be registered with the written authority of the Registrar General and the penalty for registering a birth more than 12 months after it occurs and without complying with these additional formalities is a fine of $1,000.00.

39. If a new-born child is found exposed but alive, the person finding or taking charge of the child is obliged to inform the Registrar.

40. The right to acquire a nationality is in fact enshrined in the Constitution: any child born in Trinidad and Tobago is a national (except children of persons with diplomatic immunity and enemy aliens). Generally, children have the right to know and be cared for by their parents. However, the adoption law does not give a child any right to receive information about the identity of the parent(s) who released him/her for adoption.

B. Preservation of identity (art. 8)

41. Identity is guaranteed under the Constitution and cannot be interfered with.

C. Freedom of expression (art. 13)

42. This right is protected under the Constitution. The only restrictions are in areas where there is censorship, prohibitions on obscene or seditious material, defamation, etc.

D. Access to appropriate information (art. 17)

43. Generally, this article does not address legal issues, and there is in place a legal structure which creates minimal restrictions on the dissemination of information.

E. Freedom of thought, conscience and religion (art. 14)

44. The State respects the right of children to freedom of thought, conscience and religion. However, it usually does so in the context of the child's family unit. Religion in particular is seen in this context, and indeed the continuation of a child's religious upbringing in the faith of his family is protected even if he lives away from his family. In general, the legal system demonstrates great respect for the manifestation of religion and beliefs.

F. Freedom of association and of peaceful assembly (art. 15)

45. Children enjoy the same rights to freedom of association and peaceful assembly as the adult population, subject only to the control, if any, exercised by their parents or guardians.

G. Protection of Privacy (art. 16)

46. The rights of the child in relation to this article are subsumed into the rights of his parents, and any action taken to protest, prevent or seek redress or infringement of such rights would have to be instituted by an adult (usually a parent) on behalf of the child.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37)

47. The Children's Act, chapter 46:01, section 78, states that a child may not be sentenced to imprisonment, and a young person may not be imprisoned unless he is certified to be unruly or depraved. Even then he must not be allowed to associate with adult prisoners, and in no circumstances could he be sentenced to hard labour when that obtained.

48. Where a person under the age of 18 years commits an offence for which the death sentence applies, such sentence may not be pronounced or recorded against him. Instead he is sentenced to be detained during the State's pleasure (Children Act, chap. 46:01, sect. 79, as amended by Ordinance No. 6 of 1953)

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

49. The rights or duties to provide appropriate direction and guidance to a child by his parents, legal guardians and other persons legally responsible for the child are reflected in the law. The recognition given to the extended family is weaker, and is entirely displaced by a parent or guardian with custody.

50. Regarding the "best interests of the child" and "respect for the views of the child", consideration is being given to introducing legislation which recognizes that in certain matters affecting the child, the child should be given a right of consent.

B. Parental responsibilities (art. 18, paras. 1, 2 and 3)

1. Status of children born out of wedlock

51. Until the Status of Children Act, chapter 46:07 came into force in 1983, the legal system centred its recognition of the parent-child relationship around the concept of marriage. The child of a married woman was presumed also to be the child of her husband. The child of a single woman had only one parent, unless and until there was a joint application for registration of paternity in the Register of Births by both parents, or the court made a finding of paternity in affiliation proceedings, (where a one-year limitation period applied).

52. The various legal discriminations which flowed from this limited approach to parental responsibility were swept away by the joint effect of the Status of Children Act, chapter 46:07 and the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, chapter 46:08, with the consequent repeal of the Affiliation Act, chapter 46:05 and the Legitimation Act, chapter 46:04. The High Court's powers in relation to wardship are now to be found in that Act, and the same Act has also absorbed the previous Magistrate's Court jurisdiction in respect of guardianship and custody of children under Part I of the Infants Ordinance, chapter 5, No. 12, its jurisdiction over children born out of wedlock under the Affiliation Act, and its matrimonial jurisdiction under the Separation and Maintenance Act, chapter 45:52 which was also repealed. A parent or wife who has, for financial reasons, to request relief in the Magistrate's Court rather than the High Court is no longer as prejudiced in the available remedies by the choice of forum as was previously the position. The significance of this is that it is usually a wife or mother who resorts to a court application because of financial need. If the only court within her reach is the Magistrate's Court, and the remedies available there are inadequate or discriminatory in some way, it is likely that any resulting economic hardship will adversely affect the children.

2. Existing procedures to regulate the care of children of divorced parents

53. Under the Matrimonial Proceedings and Property Act, chapter 45:51, the court's powers to regulate maintenance upon divorce, annulment or judicial

separation are extremely wide, and it may order periodical payments, secured periodical and/or lump sum payments for the spouse and/or children of the family, as well as a settlement or transfer of property. Lump sum payments may be ordered to meet maintenance liabilities incurred prior to an application, and may be payable by instalments. There is power to order payments directly to a child and no age limit is mentioned. A maintenance order for a spouse is contingent upon there being at least a decree nisi, whereas an order for child maintenance may be made before or after such decree, and may also be made where a petition is dismissed, or within a reasonable time of such dismissal. There is power to order maintenance pending suit to cover the period between the filing of a petition and the determination of the suit. However the court's power to order interim maintenance, except by consent, is doubtful where a specific application for this has not been made.

54. The relevant definitions in this Act in relation to children are:

(a) "Child" in relation to one or both of the parties to a marriage, includes a child born out of wedlock or an adopted child of that party or, as the case may be, of both parties;

(b) "Child of the family" in relation to the parties to a marriage means

(i) A child of both of those parties; and

(ii) Any other child, who has been treated by both of those parties as a child of the family.

These wide definitions are particularly important in relation to the Court's obligation to make a declaration as to the adequacy of arrangements for all affected children before finally ending a marriage. The power to order a transfer or settlement of property upon granting a decree, is also treated by the Act as an aspect of maintenance.

55. In relation to maintenance for a child the court must consider:

"(a) the financial needs of the child;

(b) the income, earning capacity (if any), property and other financial resources of the child;

(c) any physical or mental disability of the child;

(d) the standard of living enjoyed by the family before the breakdown of the marriage;

(e) the manner in which he was being and in which the parties to the marriage expected him to be educated or trained."

Again the court is enjoined to use its powers to try to place the child in the same financial position as if the marriage had not broken down, and both parties had properly discharged his or her financial obligations and responsibilities towards him.

C. Separation from parents (art. 9)

56. Article 9.1. Existing legislation complies with this subarticle. Additionally, the Government is considering becoming a signatory to the international treaty dealing with child abduction and enacting the requisite legislation.

57. Article 9.2. The procedures for judicial determination of the party to have care of a child would generally enable the views of both parents and any custodian to be heard, but might not extend to "all interested parties". The decision as to the persons who give evidence rests primarily with the parties to the action, and although the court will occasionally solicit input from additional persons this is not common and such persons have no locus to require audience.

58. Article 9.3. The Matrimonial Proceedings and Property Act, chapter 45:51 contains specific provisions concerning custody, but there is very little said about access, although the reality is that the court will always inquire about access when making a custody order. Access is regarded as a basic right of the child rather than of the parent, and the court should not deprive a child of access unless wholly satisfied that it is in the interest of the child that access should cease, which is a conclusion which the court is extremely slow to arrive at.

59. The Act simply defined "custody" as including access to a child, and yet in practice a spouse seeking access is permitted to apply for access as such, without describing it as custody.

60. The Matrimonial Causes Rules recognizes that there is a right to apply for access, and the prescribed form of acknowledgement of service of a petition invites the respondent to make an application for access. The Statement of Arrangements for children, which must be filed with a petition, is also required to indicate whether there is any agreement as to access, and how much access is enjoyed by either party, as well as the access proposed in the event of a decree being granted. Rule 36 gives a respondent spouse the right to be heard on custody, access, supervision orders and ancillary relief without defending a petition. A respondent is also given the right to file his own statement as to the arrangements for children.

61. Article 9.4. The detention, imprisonment or deportation of a parent would not generally preclude the State from informing family members of the whereabouts of such parent if he is in Trinidad and Tobago.

D. Family reunification (art. 10)

62. The Matrimonial Causes Rules contains a power to apply for leave to take a child permanently out of Trinidad and Tobago, and there is also an express power to apply ex parte for an injunction to prevent a child from being removed. In practice, a wardship application is the more practical method of preventing this, as it is only necessary to file the application, and immigration authorities can be advised of the situation without the initial necessity of appearing before the court.

63. Entry into the country is subject to immigration legislation and generally children would be admitted once their parent(s) is/are lawfully present in Trinidad and Tobago, although this area remains discretionary.

E. Recovery of maintenance for the child (art. 27, para. 4)

64. Section 13 of the Children Act, chapter 46:01 requires a parent or other person legally liable to maintain a child or young person to contribute to her/his maintenance if that child or young person has been committed to the care of a relative or another fit person. Section 65 of the Children Act requires a parent or other person legally liable to maintain a child or youthful offender sent or detained in a certified school if able to do so.

65. Section 5 of the Age of Majority Act, chapter 46:06 requires contribution towards the maintenance and education of a ward of the court as the court thinks reasonable, having regard to the means of the person or persons on whom the requirement is imposed.

66. Section 27 of the Matrimonial Proceedings and Property Act, chapter 45:51 requires the court, in deciding what order to make (this includes a maintenance order) to have regard to the financial needs, obligations and responsibilities which each of the parties to the marriage has or is likely to have in the foreseeable future.

67. The Family Law (Guardianship of Minors, Domicile and Maintenance) Act, chapter 46:08, requires the court to have regard to the income-earning capacity, property and other financial resources which each parent of the minor has or is likely to have in the foreseeable future.

68. Section 5 of the Attachment of Earnings (Maintenance) Act, 1988 requires the court, in specifying the protected earnings rate, to have regard to the debtor's resources and needs.

69. The Magistrate's Court orders may provide for payment to be made through the collecting officer who is entitled to enforce the order, and also is responsible for disbursing the money collected. The enforcement mechanism available to the collecting officer is to apply by warrant for the defaulting party to be brought before the court. The magistrate then has power to direct the sale of the defaulter's goods. If the defendant's assets are not sufficient to meet the maintenance due, and the magistrate is satisfied that the failure to pay was due to wilful refusal or culpable neglect, the magistrate may commit the defendant to prison for up to six months unless the full debt and costs are paid.

70. The Attachment of Earnings (Maintenance) Act 1988, which was proclaimed in 1991, provides an alternative which allows the court to direct payment from the earnings of a person against whom a maintenance order has been made, once there has been a default. Additionally, the Act was amended in 1995 to give the Magistrate's Courts and the High Courts the power to attach earnings at the same time that a maintenance order is granted. Previously, an attachment of earnings order required the initiation of new proceedings. The burden of initiating fresh proceedings coupled with lengthy delays often caused grave economic hardship.

71. Although systems for the recovery of maintenance exist, the Government is considering entering into reciprocal agreements for enforcement of maintenance orders with the United States and Canada, as these are frequent destinations for defaulting parents.

F. Children deprived of a family environment (art. 20)

72. The Children Act, chapter 46:01 and the Young Offenders Detention Act, chapter 13:05 both contain provisions for referral and placement in orphanages, industrial schools and industrial institutions. There is also provision for children to be committed into the care of a fit person or institution and there is the possibility of a child finding a new home through adoption.

G. Adoption (art. 21)

73. Adoption is permitted through the provisions of the Adoption of Children Act, chapter 46:03. Although this does not specifically refer to the best interests of the child being the paramount consideration, the final order is made by the court which applies this principle in relation to all matters affecting children. The welfare principle is made explicit in the Family Law (Guardianship of Minors, Domicile Land Maintenance) Act, chapter 46:08 and is particularly relevant with a parent's consent.

74. Article 21 (a). The Adoption of Children Act, chapter 46:03 creates the legal framework for enabling a parent/child relationship to be created artificially by a Magistrate's Court order by way of adoption. The Adoption Board is the sole agency responsible for arranging adoptions and the Ministry of Social Development is responsible for the activities of the Board. An adoption order is in practice made by the Magistrate's Court, although the High Court also has jurisdiction. The procedure requires a supervised period of six months during which the child lives with his prospective adopters. The consent of the child's natural parent(s) is required but may be dispensed with by the court if it is being unreasonably withheld. The main test for unreasonableness is the welfare of the child. At present, there is no provision for the counselling of a parent releasing a child for adoption.

75. Article 21 (b). Trinidad and Tobago is at present considering inter-country adoption but only as a last-resort option for alternative care of children.

H. Illicit transfer and non-retur (art. 11)

76. Trinidad and Tobago is not at present party to any bilateral or multilateral agreements concerning the international abduction of children but is considering becoming party to such agreements or conventions as are current in relation to this issue.

I. Abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39).

77. The criminal law offers the same protection against violence to children as to adults and defines additional offences in relation to children (Children

Act, chap. 46:02). It also recognizes offences that may only be committed by those in a special relationship to the child. For example, the definition of cruelty under the Children Act, chapter 46:01 is where "anyone over the age of sixteen (16) years who has custody, charge or care of any child or young person, wilfully assaults, ill-treats or neglects, abandons or exposes him" in such a way that it is likely to cause him unnecessary suffering or injury to health.

78. Sexual abuse is comprehensively dealt with in the Sexual Offences Act 1986.

79. The Domestic Violence Act has recently been enacted and defines many pre-existing criminal offences as "domestic violence offences" once they occur between people with a domestic relationship. The group is widely defined and in relation to children includes children of either party or habitually residing with either one. This act does not deal with the penal effects of domestic violence offences as much as it offers a new means of protection to the victims. The Magistrate's Court is empowered to grant protection orders once there has been a domestic violence offence, the threat of one, or offensive and harassing behaviour. Interim orders are available in emergency situations, and the conditions that can be attached to protection orders can extend to debarring the perpetrator from the home. Where a domestic violence offence involves a child, the application to the court may be made by a parent or guardian, police officer or authorized social welfare worker.

80. Neglect of a child is included in the definition of offensive and harassing behaviour, and the court has power to order conditions to address such neglect as well as to order counselling.

81. At present, there is no single agency with direct responsibility for abused children, for example, police officers may deal directly with the child and so too may medical social workers or voluntary agencies.

J. Periodic review of placement (art. 25)

82. Under various provisions in the Children Act, the Minister of Social Development is given the power to what effectively amounts to a review of a judicial decision committing a child or a young person to the care of a "fit person" or to a certified school or orphanage. The Minister can therefore discharge a child or young person, including a youthful offender, from the care of a fit person or from a certified school either absolutely or on such conditions as the minister approves. While this may facilitate the rehabilitation of such children and their reintegration into society, there are no guidelines as to the exercise of this power. In addition, no specific body or officers is conferred with the authority to monitor such children or to make recommendations to the minister.

83. Factors and difficulties encountered include the following:

(a) No mechanisms exist for continuous data collection concerning child abuse, homeless children, and children placed in institutional care;

(b) Human and financial resources are severely lacking to address the problems of children in the family environment and provision of alternative care;

(c) Mechanisms for the evaluation of existing programmes are largely non-existent.

Existing programmes in regard to family environment

84. The National Family Services Division, Ministry of Social Development, conducts lectures, seminars, etc. on family life issues such as parenting, child and adolescent development, and human behaviour and sexuality. Information on Family Life Education is disseminated via the print and electronic media. Counselling services are also provided by the National Family Services and the Probation Divisions to "walk in" clients and referred cases.

85. An integrated programme of support for children in especially difficult circumstances was developed based on the findings of a "Situation analysis of children in especially difficult circumstances" completed in 1993 and funded by UNICEF.

86. The programme's activities are national in scope and are being implemented at the community level through voluntary groups and non-governmental organizations. The programme's major objectives are:

(a) The implementation of an integrated national programme aimed at ameliorating the plight of children in especially difficult circumstances; and

(b) To support and develop institutional capabilities to sustain the implementation of this programme.

87. The three strategic areas identified are:

(a) Advocacy for public policy and programme support;

(b) Community involvement and outreach; and

(c) Strengthening capabilities of supportive environments including the home, institutions and programme implementing agencies.

Advocacy for public policy and programme support

88. Activities already implemented include the following:

(a) A "Family Policy" Conference which was held in 1994 to articulate a national family policy and to obtain national consensus. Two follow-up implementation seminars to the Conference were also conducted at the local/district level;

(b) A radio "call-in" programme series entitled "School for Parents" which focused on imparting parenting skills was broadcast. A pilot programme was successfully launched in 1993 and a new series commenced in 1995.

Strengthening capabilities in supportive environments

89. A series of training workshops entitled "Caring for care givers" targeting the staff of children's homes was conducted in 1993. The workshops were designed to improve the quality of the services provided to the children and to increase the ability of the care givers to provide guidance to the children in their care. The infusion of the "Caring for care givers" curriculum into related training curricula and programmes has also commenced.

90. A policy on standards and procedures for children's homes was published and distributed to the managers of the homes.

Planned programmes in regard to family environment

91. Community involvement and outreach activities include the following:

(a) Development of a set of prototype materials for use in training outreach workers;

(b) Establishment of a seed grant fund to be managed by the National Family Services Coordinating Council to be disbursed to NGO's to provide start-up assistance to reputable community groups and agencies;

(c) The establishment of a "hot line" for use by children in difficult circumstances to be operated by a non-governmental organization.

VI. BASIC HEALTH AND WELFARE

92. The Government of the Republic of Trinidad and Tobago has adopted the World Health Organization (WHO) philosophy that health, "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity" is a fundamental right of every citizen. The Ministry of Health is the national agency responsible for overall planning and administration of the health system in Trinidad and Tobago.

93. At present the Government with the assistance of the Inter-American Development Bank (IDB), has embarked on a Health Sector Reform Programme aimed at decentralizing the health sector with a view to removing constraints to the efficient, effective and equitable delivery of health services. The Ministry of Health would be responsible for policy formulation and analysis and monitoring of the decentralization process. The objective is to develop a proactive health-care system that is more responsive to changing health needs. The main elements include:

(a) Rationalization of the health-care services delivery system including the capacity installed in the hospital network;

(b) Restructuring and strengthening of the Ministry of Health with a view to replacing its executive function with a monitoring/policy-making role;

(c) Decentralization of the health-care system through the creation of five Regional Health Authorities which will operate independently of the

Ministry of Health and would be responsible for the day-to-day operation of health facilities;

(d) The creation of the National Health Care Insurance System which is a financing mechanism for health-care delivery to be administered by a National Health Insurance Agency. The National Health Insurance Agency would improve health-care services and create a more competitive environment among health-care providers.

94. Five Regional Health Authorities have been established in the Northern, Central, Eastern and the Southern Regions and Tobago. These Regional Authorities have been given the responsibility for providing primary health services for the population within their defined regions and hospital services for this population and the national population as agreed by the Ministry.

A. Survival and Development (art. 6, para. 2)

95. Trinidad and Tobago signed the World Declaration for the Survival, Protection and Development of Children in October 1990. Subsequently, this country prepared a National Plan of Action (NPA) to achieve the goals of the Declaration during the 1990s. Annex I details this country's achievements in relation to the health goals adopted at the 1990 World Summit for Children.

96. Trinidad and Tobago has surpassed the majority of health goals adopted at the World Summit for Children. However, several of the programmes identified in the NPA have not been implemented due to the lack of financial and human resources. The Government envisages that the appointment of a coordinator for the NPA will address the aforementioned problem as this individual will be mandated to, among other things, facilitate the implementation of projects and programmes pertinent to all the priority areas listed in the NPA. This will require the identification of sources of funding and the development of project proposals.

B. Disabled Children (art. 23)

97. In Trinidad and Tobago, preliminary data from a recently conducted sample survey (1991) indicated that 6.8 per cent of the population has a disability of a mental, physical or sensory nature. However, this statistic is based on a limited sample survey and given the WHO estimate that 10 per cent of any given population is disabled, the disabled population in this country, including children, may be higher than the cited percentage. A National Health Needs Survey will be conducted in 1995 and is expected to provide information about the numbers of people with congenital or acquired disability in the population.

98. Mindful of its responsibility to provide adequately for, and promote the fullest development of the disadvantaged and vulnerable members of society, the Government has approved a "Policy on Persons with Disabilities". This policy provides the framework for, among other things, the strengthening of institutional arrangements including:

(a) The revision, amendment and enactment of legislation relevant to persons with disabilities;

(b) The establishment of administrative machinery in the form of a National Coordinating Committee to promote disability issues and develop programmes to improve the status of and ensure the equalization of opportunities for persons with disabilities.

99. Additionally, the policy includes, inter alia, the following preventive, rehabilitative, educational and research proposals which impact directly or indirectly on children:

(a) Preventive:

(i) The provision of training in early detection methods for all personnel involved in the care\education of children with disabilities;

(ii) The immunization of all children against diseases known to be responsible for disabilities;

(iii) The provision of counselling in maternal and child health care and family planning and the dissemination of relevant material;

(b) Rehabilitative:

(i) The provision of aids and equipment at subsidized costs, for persons with disabilities and their care givers;

(ii) The provision of facilities which offer counselling and rehabilitation services for persons with disabilities;

(iii) The mandatory screening of all children from birth to five years to detect disabilities so that corrective action can be taken;

(iv) The establishment of a National Assessment and Rehabilitation Centre and centrally located centres to conduct screening and assessment;

(c) Education:

(i) The mainstreaming, as far as possible, of children with disabilities into the regular school system with adequate and appropriate support services beginning at the preschool level;

(ii) The training of teachers, social workers and care givers to deal effectively with persons with disabilities. This training would be incorporated into curricula at training college and at all training centres for further and tertiary education;

(iii) The provision of appropriate teaching aids and supports to enhance the methodology of teachers.

(d) Research. Government will encourage and support research efforts, with a view to establishing a comprehensive data bank on persons with disabilities, in a number of areas including:

(i) Causes, types and incidences of impairment and disability;

(ii) The economic and social conditions of persons with disabilities;

(iii) Assessment of the needs, skills and potential for training of persons with disabilities.

(e) Difficulties:

(i) The lack of data concerning types of disabilities and the needs of persons with disabilities including training needs;

(ii) The low level of awareness by the society of the needs and capabilities of persons with disabilities. In this regard, a documentary and three fillers featuring issues which affect persons with disabilities are scheduled for broadcast throughout 1995. Thus, sensitization of the national community on issues pertinent to persons with disabilities has begun.

C. Health and health services (art. 24)

Infant mortality

100. As at 1992, the infant mortality rate in Trinidad and Tobago was 10.5 per 1,000 live births and the neonatal mortality rate was 6.89 per 1,000 live births. This low level of infant deaths can be attributed to a health system which includes:

(a) The operation of child health clinics at the 104 State health centres located throughout Trinidad and Tobago. Each centre provides primary health-care services and refers seriously ill children for admission to one of the five government-run hospitals;

(b) The use of oral rehydration therapy in the treatment of diarrhoea in infants has contributed to a rate of infant deaths of only 0.3 per 1,000 live births in 1992;

(c) A systematic programme of follow-up of newborns conducted by district health personnel with more attention being paid to newborns at "high risk";

(d) An immunization campaign which covers over 90 per cent of the infant/child population. In fact, as at 1992, the number of under-five deaths from measles per 1,000 live births is nil and it is estimated that by the year 1995, the disease will be eradicated in Trinidad and Tobago.

101. To date the child health services have effectively maintained the good health of children. At present the health services are focused on the problem of the increasing levels of HIV infection among children and adults. Statistics for the period 1985-1992 indicate that acquired immune deficiency syndrome (AIDS) has become the fourth leading cause of death among men and women. The implications for the increasing incidence of paediatric AIDS are evident, in light of the high percentage of women in their reproductive prime who are testing positive for the human immunodeficiency virus.

102. Statistics for the period January 1982 to November 1994 indicate that 107 AIDS cases were identified among children under 4 years old, while 59 cases were found in the age group 5-19. In 1993, of the 1,402 reported cases of AIDS, 94 were children below 14.

103. There is a growing concern regarding the situation of children orphaned due to the death of their parents through AIDS-related illness. The refusal or inability of relatives to take care of these children has resulted in homelessness and destitution of a large majority. One non-governmental organization has responded to the needs of orphaned children with AIDS through the establishment of a home for these children.

Maternal mortality

104. In 1992, the maternal mortality rate was 60.79 per 100,000 live births. The high level of maternal mortality is attributed to the fact that although over 90 per cent of pregnant women seek antenatal care and deliver at hospitals, many of these women attend clinics late in their pregnancy, thereby making it difficult to avert any complication associated with pregnancy. The major causes of maternal death were identified as toxaemia of pregnancy and abortion and haemorrhage during pregnancy and childbirth.

D. Social security and child-care services and facilities (art. 26 and art. 18, para. 3)

Social security

105. The National Insurance Board provides social security services to eligible citizens of Trinidad and Tobago. Children benefit indirectly from the National Insurance System where contributions have been made by or on behalf of their parent or guardian. Children also benefit directly from non-contributory social security schemes which are administered by the Social Welfare Division of the Ministry of Social Development. The Public Assistance scheme is targeted at necessitous persons who are incapacitated and unable to earn a living, as well as to necessitous children.

106. In addition there are other "safety net" schemes designed to meet emergency situations such as the "urgent temporary assistance" grant, which can be used to purchase schoolbooks, clothing and pharmaceuticals for children.

Child-care services and facilities

107. The provision of child-care facilities by the State for children of working parents does not obtain at present, nor is there any requirement that employers assist in this respect. However, there are a multiplicity of private institutions providing the service. At present there is draft legislation addressing the monitoring of appropriate standards for these institutions through a system of licensing.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

108. The Education Act, chapter 39:01 passed in 1966 established a system of public schools throughout Trinidad and Tobago. The Act gave the Minister of Education considerable power to organize and legislate for the entire education system including preschool, primary, secondary, and tertiary education.

109. The Ministry of Education is the national body mandated to formulate education policy. The education system is administered by two Permanent Secretaries, a cadre of responsible education officers and an efficient body of civil servants. The Permanent Secretaries have general supervisory responsibilities and control the services of several divisions of the Ministry of Education. They advise on the administrative implications of the plans and programmes proposed by the Minister, his technical officers or other sources.

110. A body of school supervisors using a number of administrative instruments - the Education Act of 1966, the Civil Services Act of 1965, Regulations (Public and Teaching), circulars, directives, confidential forms - implement the decisions taken at Central Administration at the regional level.

111. Although the Ministry of Education is responsible for technical/ vocational training several organizations have emerged which play an active role in supporting educational activities. The Ministries of Sport and Youth Affairs, Agriculture, and Labour and Cooperatives also conduct training programmes.

112. In addition, several non-governmental organizations such as Service Volunteered for All (SERVOL), the Rotary Club, the Youth Training and Employment Partnership Programme and private institutions including credit unions, banks and the manufacturing sector conduct courses to meet the training needs of youth. In order to provide an integrated service delivery system, a restructured National Training Commission has been mandated to coordinate the technical/vocational education and training system in the country.

113. The Education Act, chapter 39:01 ensures free and compulsory education for children up to 12 years of age. At secondary level, education is still free, at all public schools, and geared towards absorbing as high a proportion of children aged 11 to 17 as the available physical facilities allow.

Preschool education

114. Preschool education is conducted under the aegis of the Ministry of Education, the Trinidad and Tobago Association of Village/Community Councils, SERVOL and the efforts of entrepreneurs/private centres. A National Council for Early Childhood Education was established by the Government in 1989 to coordinate the activities of the various bodies providing early childhood education. To date there are 50 government preschool centres throughout the country; 48 of these are based in community centres. The Ministry of Education has the overall responsibility for preschool education policy and programmes. This responsibility is discharged through its Preschool Division which provides technical assistance, supervises the delivery of the curriculum and interviews and selects staff. The Division also provides an advisory service to privately run preschools, monitors the physical conditions at the centres, advises agencies on the proper implementation of the programme, makes recommendations for the registration of private preschool centres and visits private establishments on application for registration.

115. SERVOL, a non-governmental organization provides preschool staff training with the assistance of funds provided by the Ministry of Education and an international organization (the Bernard Van Leer Foundation). SERVOL also supervises the training of interns, that is, recently trained preschool education teaching staff and operates early childhood education centres.

Primary education

116. The official or customary age of entering Primary school is five years and the vast majority of children enter government and Government-assisted primary schools. The assisted primary schools are administered by Denominational Boards which have had a long history of participation in education in many cases dating back to the last century.

117. Primary schools ordinarily cater for children in the age group 5 to 11 years. There are however, post-primary classes in primary schools for students who might have failed to secure a place at the secondary school level, and whose parents are unable to afford the costs of private secondary school education. Annex II details the recorded achievements in reaching the World Summit for Children goals in the field of education. In 1990/91 there were 471 primary schools. Enrolment at the primary level increased from 183,026 in 1990 to 190,392 in 1993 (5-12 age group).

Secondary education

118. Two distinct programmes are offered at the secondary level:

(a) An academic programme designed to prepare graduates for further education or for employment at the clerical level in traditional work places; and

(b) A technical/vocational skills programme.

119. The secondary level of education may be divided into two sectors. The traditional sector, which includes government and Government-assisted schools,

refers to the five to seven year secondary schools which concentrate on traditional academic subjects. After five years, students write the Cambridge GCE "O" Level and Caribbean Examination Council (CXC) examinations set by the regional examination body. Cambridge "A" Level examinations are written after two additional years of schooling. The new sector, which was initiated in 1972, comprises four types of government schools: junior secondary, senior secondary, senior secondary comprehensive and composite.

120. The curriculum of the junior secondary schools includes courses such as a general course in industrial arts and home economics, music, art and craft and agricultural science. The system consists of an initial cycle (three years) of general secondary education for the 11-plus age group.

121. A second cycle which is provided by senior secondary and senior secondary comprehensive schools for children in the 15 to 18 age group. These schools provide traditional academic, specialized craft and pretechnician courses to students who have graduated from the junior secondary schools. These students are prepared for the CXC/GCE examinations and the National Examinations Council (NEC) Craft examination. The duration of the programme at this level is two years but some schools offer two additional years (form VI) for students pursuing the Cambridge "A" Level Examination. There are 3 senior secondary comprehensive and 16 senior comprehensive schools with a total of 21,130 and an annual intake of approximately 11,000 students.

122. The composite school provides five years of secondary education and offers a choice of courses in academic and technical/vocational subjects. There are now nine composite schools in the country.

123. At present there are 101 secondary schools which provide for a total of 97,434 students between the ages 11+ and 19+ with the vast majority between the ages 12 and 17 years. The breakdown is as follows:

Trinidad and Tobago	101
Traditional	19
Junior secondary	24
Senior secondary comp.	3
Senior comprehensive	16
Composite	9
Assisted (all traditional)	30

The annual intake into the secondary school system is approximately 20,577 which represents about 75 per cent of the 11+ enrolment in the primary schools.

Vocational training and guidance

124. Technical/vocational education and training is available to all students who attend the junior secondary schools, senior comprehensive schools, technical institutes, vocational centres and the Hospitality Institute. Entry to a technical institute is obtained after graduation from secondary school. Tuition is offered on both full-time and part-time bases. Part-time tuition is designed for persons employed in industry and who wish to update their qualifications. The full-time courses at craft level are usually for two

years while the full-time courses at technician level are for three years. The Government does not debar private institutions from providing this type of education but assessment and certification must be sought through the NEC. Institutions are given the necessary accreditation to offer courses for examination and certification by the NEC.

125. The curricula for instruction of craft and technician courses at the senior comprehensive schools and technical institutes are developed at the national level. They are developed by curriculum officers supported by specific advisory committees using the DACUM approach. The junior secondary schools' curricula are developed by curriculum officers who supervise specific technical/vocational subjects in the schools. The curricula for technology courses is provided by the Caribbean Examination Council for students in Government-assisted secondary and senior secondary schools.

126. The Technical/Vocational Education and Training Division is headed by a Permanent Secretary, who advises the Minister on technical and vocational education and training matters. Business education is an integral aspect of technical and vocational education and comes under the purview of the Division.

127. Programmes are financed by the State. Government provides funding for the payment of teacher salaries, salaries of other support staff, provision of materials and equipment in workshops. Students do not pay tuition fees except for a minimal application fee for entry into the technical institute. Students who attend the Hospitality Institute are required to pay a very small tuition fee, while the major part of the cost is borne by the State.

128. The mechanism for linking job development and vocational, technical and business education is the National Apprenticeship Programme, a placement system designed for young unemployed youth between 15 and 25 years. Students enrolled in post-secondary training institutions are placed in industry for practical training during the summer vocation. The National Apprenticeship Programme provides both short- and long-term apprenticeships for applicants in a range of occupational areas. The apprenticeship period may range from six months to three years depending on the skill area.

Educational and vocational guidance

129. The Central Guidance Unit of the Ministry of Education is the agency responsible for the implementation of educational and vocational guidance programmes in schools throughout Trinidad and Tobago. The programmes focus on primary, junior, secondary and senior comprehensive schools. The Guidance Unit has developed a comprehensive framework for the schools' guidance officers. This is used to develop programmes in areas such as personal/social guidance, career guidance, educational/vocational guidance. Emphasis is placed on career development at all levels of the child's school life.

130. The role of the Guidance Unit therefore is to

(a) Assist students to assume responsibility for their own decisions and subsequent behaviour;

(b) Assist students to discover and identify their own uniqueness - their own needs, abilities and aspirations;

(c) Assist students in making responsible decisions about educational courses and programmes which will meet their needs and develop their abilities;

(d) Identify the need to change "the focus on learning" atmosphere of existing courses. Secondary students bear the responsibility for adjusting and conforming to the academic and/or behavioural expectations of the courses;

(e) Assist students to maximize their potential, talents and interests by helping them develop healthy personalities and positive peer, family and school relationships.

In addition, several NGOs conduct career guidance workshops targeting the secondary school population.

Expenditure on education

131. Government expenditure on education as a proportion of total expenditure has averaged about 13.6 per cent for the period 1983-1993, declining to a 10-year low of 12.0 per cent in 1992 but showing an upward trend since then. As a share in the Gross National Product, educational expenditure has been declining over the six years from 6.3 per cent in 1989 to 3.9 per cent in 1993.

B. Aims of education (art. 29)

132. The major objectives identified in the 1985-1990 Educational Plan are to:

(a) Encourage mature and critical thinking;

(b) Stimulate an appreciation of the good, the true and the beautiful;

(c) Encourage responsible and self-generated action;

(d) Foster the desire and capacity for productive employment in areas consistent with the individual's ability and interest;

(e) Generate a spirit of loyalty and dedication to the nation;

(f) Develop:

(i) An appreciation of, and respect for the laws and institutions of the country; and

(ii) An appreciation of one's dignity and rights as a human being and of one's corresponding responsibilities and obligations to one's fellow men, and to society;

(g) Develop an appreciation of the interdependency of the peoples and nations of the world, the need to work to foster a greater spirit of mutual

understanding among nations and the ways in which Trinidad and Tobago can participate in this process;

(h) Equip citizens to participate with profit and to contribute significantly at the international level;

(i) Enable its citizens, through its foreign language teaching programmes, to be able to communicate with a reasonable degree of facility in at least one foreign language;

(j) Raise the level of literacy in the society.

133. Many of these objectives are still being pursued, but economic recession and financial austerity on a world scale have cast a pall over social sectors and also cast doubt on the possibility of sustaining public expenditure levels in the social sector, the education subsector in particular. Therefore, in order to address the many challenges currently facing the education system, the Government appointed in April 1992 a Task Force on Education to conduct a comprehensive review of the educational system. The Task Force produced its first report after extensive dialogue and participation from the community. The document was presented in the House of Representatives on 12 March 1993 as a Green Paper. Subsequently, the document was further revised after intensive discussions at several levels of the national community, including political parties. On 16 August 1994 the revised report was presented in Parliament as Education Policy Paper 1993-2003.

134. Consistent with articles 28 and 29 of the Convention, the implementation of recommendations detailed hereunder - as proposed in the Education Policy Paper - has commenced.

135. In an effort to establish a foundation for sound educational development, the National Council for Early Childhood Care and Education (NCECCE) was re-established. The NCECCE will be mandated to manage the provision of early childhood care and education in Trinidad and Tobago. One of their initial tasks will be the preparation of a detailed project proposal for the medium- and long-term resourcing of this sector.

136. Restructuring of the education system. Phase I consists of the decentralization of the decision-making process by establishing eight educational divisions. Decentralization of decision-making will allow for quick and appropriate responses to the need for educational development and problem resolution. The identification and refurbishing of facilities for divisional offices is expected to be completed in 1995. Phase II focuses on the identification and training of the personnel to be involved in the divisional decentralization. Training in leadership skills, management, assessment training and middle management training for teachers is being conducted.

137. Curriculum enhancement. The curriculum stands at the centre of all proposals for the enhancement of teaching, learning and efficient and effective management of the education sector. Curriculum reform, which has commenced, includes the following:

(a) Provision of learning materials/books for all students;

(b) Introduction of computers as a tool for enhancing literacy;

(c) Introduction of technology studies and oral Spanish at the primary level;

(d) Introduction of a National Certificate in Secondary Education.

138. Training. The system of teacher training encompasses programmes for the preparation of teacher educators and all in-service and pre-service programmes and courses for the professional development of administrators, teachers, teachers' aides, and care-givers. Continued training of primary and secondary school teachers would be firmly established through programmes such as the Certificate in Education, the Bachelor of Arts/Bachelor of Science, the Diploma in Education, etc. In 1993 and after, the Ministry of Education began implementation of three pilot projects aimed at the provision of alternative programmes for individuals who would better benefit from on-the-job training than from traditional classroom teaching. Aspects of the project include the development of a differentiated curriculum, specialized training and programmes of on-the-job training. Another aspect of the restructuring process is the establishment of a Human Resources Department in the Ministry of Education which would engage in tasks such as planning for human resources, recruitment, public relations, and professional development.

139. Planned action in regard to education includes the following:

(a) During the period 1993-1998, a special implementation team within the Ministry of Education will address systems of examination and certification. It is envisaged that the Common Entrance examination will be phased out and the transition from primary to secondary education would be on the basis of continuous assessment and a national examination. Continuous diagnostic testing and remediation will also be built into the primary school system with the administration of standardized tests at significant stages in the primary schools;

(b) The Curriculum Division will be responsible for the introduction of a National Certificate in Secondary Education Level I. This should be completed in 1996 and will involve Curriculum Review (forms I-III), the implementation of a national curriculum (forms I-III), retraining of teachers at secondary level and the design and production of curriculum materials;

(c) The Measurement, Special Education and Guidance Units of the Ministry of Education have embarked on a pilot project to address pupils with special needs. Through the establishment of regional diagnostic prescriptive centres in each educational district, diagnostic testing will be undertaken to formulate appropriate educational programmes for children with special needs;

(d) Phase III, which involves the implementation, monitoring and evaluation of the restructuring of the educational system, is expected to begin in January 1996.

C. Leisure, recreation and cultural activities (art. 31)

140. The Ministry of Sport and Youth Affairs is the agency officially responsible for coordinating and implementing policy relating to youth. However, because of the inevitable institutional overlaps, other ministries and agencies in the public administrative system, in particular the Ministries of Education, Health and Agriculture, are also involved in the implementation of some aspects of national policy on youth affairs.

141. Policies with respect to youth development are the responsibility of the National Youth Council. It is an umbrella association established in 1949 and organized on a county basis. The Council also provides a forum for overseeing, reviewing and articulating national policies in the administration of youth affairs. Youth policy is also implemented through activities of youth centres, voluntary associations and the district youth services. The Youth Council implements its programmes through voluntary youth groups which are generally managed by a democratically elected committee of officials whose terms of office and procedures in managing the affairs of the groups are regulated by the groups' constitutions.

142. In addition, Government provides on-going training in leadership development with a view, inter alia, to ensuring the continued viability of groups. Government also provides an audit service to groups which benefit from subsidies and subventions from public funds. The Ministry of Sport and Youth Affairs has eight youth centres throughout the country which constitute focal points of a youth programme covering a wide range of activities which include, for instance, indoor and outdoor sports, cultural events, handicraft, nutrition, etc. The District Youth Services operate through an administrative network. This network covers 10 districts and has a clientele, including individuals (unattached) and youth groups, which is estimated to be in excess of 12,000 young persons, all between the ages of 15 and 25 years.

143. In respect of article 31 of the Convention on the Rights of the Child, the Ministry of Sport and Youth Affairs has initiated programmes which provide and highlight the active, positive and constructive role that youth can play in their homes, districts and the nation as a whole. One such initiative is the observance of Youth Centre Week by the youth centres. This initiative brings together at the national level members of all youth centres for the purpose of highlighting their achievements and exploring ways of linking their activities. This event has the potential of developing into a very effective forum for youth interaction at social, cultural and economic levels.

144. The Ministry offers part-time classes which provide training in elements of vocational, technical and cultural skills. Three hundred and fifty classes are held weekly throughout the country and estimated to reach 5,000 young people.annually. Another initiative, geared towards promoting youth achievement and the striving for excellence, is the National Youth Development Awards. The awards are distributed to young persons between the ages of 15 and 25 years of age who have distinguished themselves in sport, culture, small business, vocational, education, special education, agriculture and community services during the preceding year. These awards demonstrate recognition for the excellent achievement of our youth in these areas and serve as an incentive and encouragement to others to strive to attain excellence.

145. The first Sunday of April in each year has been approved by Cabinet as National Youth Day. The occasion provides the national community with an opportunity to focus attention on the role and achievements of the young. It also conveys to the youth the nation's recognition of their importance in national development. The Ministry also conducts summer camps in 10 districts and 8 youth centres throughout the nation during July/August every year. During these day camps, campers become extensively involved in community services, "know-your-country" tours, hikes, etc. Another strategy introduced recently for the purpose of further integrating national youth activities, was a national youth track and fField sports meeting. The meeting was fully supported by the public sector and voluntary youth bodies. Reports subsequently received from youth groups and sporting organizations indicated that there is much support for future meetings of this type.

146. In keeping with the Ministry's vision for youth development which embodies the provision of "a comprehensive and participatory youth service that reaches out to all young people", the Division of Youth Affairs has introduced the following programmes:

(a) District Youth Projects. The District Youth Project was launched on 7 April 1994 and is designed not only to address the immediate problem of unemployment, but to harness the energies and enterprising spirit of young people into worthwhile and productive activity;

(b) Sport Training Enhancement Programme. The Programme targets the 8 to 14 age group of both sexes at community level. The objectives of the programme are to:

(i) Identify, nurture and develop the sporting talent of the youths at district level;

(ii) Provide opportunities for young people who wish to engage in recreational activity without the pressure of competition;

(iii) Encourage and promote purposeful and healthy use of leisure time;

(iv) Assist in building community spirit;

(v) Assist those youths who wish to acquire sport skills that would encourage them to participate in games;

(vi) Provide training and part-time employment for physical recreation leaders and community coaches.

Programmes conducted in 1993 attracted 5,670 young persons. Financial constraints and equipment needed to conduct the Programme have severely hindered its impact.

VIII. SPECIAL PROTECTION MEASURES

A. Children in conflict with the law

147. The general provisions of Trinidad and Tobago's criminal and penal systems are in conformity with the requirements of this article. However, persons of 16 and 17 years of age are not regarded as children, and do not generally benefit from the protections in place for young persons.

The administration of juvenile justice (art. 40) and children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d))

148. Apprehension of juveniles. When a juvenile is apprehended and it is not possible to take him before a magistrate immediately, the officer in charge of the relevant police station has an obligation to release the juvenile on sufficient recognisance, unless the charge is one of homicide, or a grave crime. The officer also has discretion not to release the juvenile if it is in his own interest to be removed from associating with a reported criminal, or if the officer has reason to believe that his release would defeat the ends of justice. If the juvenile is detained he must be kept at a place of detention in the meantime, unless the officer certifies that this is impracticable or that the juvenile is too unruly to be safely detained in this way, or that it is inadvisable to detain him because of his state of health or his mental or bodily condition. It is the responsibility of the police to prevent the juvenile from associating with any adult offenders (excluding relatives) whilst in custody. Once the matter comes before the magistrate and the juvenile is remanded or committed for trial, if he is not released on bail, he must be committed to a place of detention. As soon as a juvenile is arrested, his parent or guardian should be notified by the police and warned to attend court. If necessary the magistrate has power to enforce their attendance.

149. Court procedure. The substance of the charge is explained in simple language to the juvenile. Even though the charge is one where the accused would normally be given the option of electing a trial by jury, charges against a child are always dealt with summarily except murder or manslaughter. In the event that the offence is proved or admitted, the accused may make a statement in extenuation or mitigation. Thereafter he may be remanded pending a probation report.

150. Sentencing. The usual penalty imposed by the court is financial since juveniles are only detained in exceptional circumstances. A child may not be sentenced to imprisonment, and a young person may not be imprisoned unless he is certified to be unruly or depraved. Even then, he is not allowed to associate with adult prisoners and under no circumstance can he be sentenced to hard labour. Apart from the imposition of fines, the Court has a wide range of orders which it may make including:

(a) Dismissal;

(b) Committal to the care of a fit person, including a relative or industrial school and orphanage;

(c) Committal to a place of detention;

(d) Whipping, specifically under the Corporal Punishment (Offenders not over 16) Act, chapter 13:03 which provides that a male offender of not more than 16 years may be sentenced to be whipped in lieu of any other sentence. If the offender is 12 or less, up to 6 strokes may be given, or if he is over 12, up to 12 strokes. The sentence must be carried out on a single occasion and within a month.

151. Apart from the circumstances when the court is concerned to address custody and other issues when typically the child is not directly involved in the proceedings, children may also be involved in court procedures either as victims or as offenders. There is a body of law establishing offences which have particular reference to children, the manner in which the court deals with children as witnesses and as offenders, and the remedies which may be applied.

152. Offences against children are identified in the following Acts: Children Act, chapter 46:01; Offences against the Persons Act, chapter 11:08; Summary Offences Act, chapter 11:02; Sexual Offences Act, 1986; Family Law (Guardianship of Minors, Domicile and Maintenance) Act, chapter 46:08. Offences under the Children Act and certain offences listed in the Schedule to that Act trigger the court's power to protect children in various ways. The Act defines "child" as a person under 14 years and a "young person" as someone who is 14 or 15 years. Chapter 46:01 of the Act is mainly concerned with the protection of children and young people, and the police are given wide powers in this area.

The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

153. The legal system does not permit a death sentence to be pronounced or recorded against a person under the age of 18 years and he is instead sentenced to be detained during the State's pleasure. (Sect. 79, Children Act, chap. 46:01 as amended by Ordinance No. 6 of 1953).

Planned action in regard to children in conflict with the law

154. As a result of the escalation of criminal activity, thought to be particularly marked among the juvenile population, Cabinet appointed in August 1992, an inter-ministerial committee to examine the situation. The committee submitted a report in January 1994 containing several recommendations for the establishment of projects/programmes in the following areas.

155. Stigmatization. Having noted an increase in the proportion sentenced to imprisonment and the research data on the deleterious effects of all custodial sentences on prognosis, as well as the possible stigmatization which may result from any individually focused intervention, the mixing of categories of detainees at the various institutions, the high proportion of remandees at the

Youth Training Centre, and the award of custodial sentences for slight offences in some cases, the committee recommended, inter alia, the following short-term measures:

(a) Alternatives to custodial sentences at all levels and for all age groups up to age 25. These might include:

(i) Weekend attendance centres;

(ii) Community service;

(iii) The above combined with individual or family counselling;

(iv) The expanded use of the probation service; and

(v) Remand on bail rather than in custody;

(b) The encouragement of non-governmental organizations to participate in community-based programmes for young people into which offenders might be placed alongside non-offenders;

(c) The expansion and continuing support for self-help ex-offender groups within the community;

(d) That offenders under 25 years of age be given custodial dispositions only when clear need can be demonstrated;

(e) The provision of segregated facilities for children and young people on remand (unconvicted) convicted of a status offence only and convicted of a criminal offence and that such provisions should be made for both males and females.

156. Family related factors. The committee noted that lack of parenting skills was one factor associated with juvenile and youth crime as well as intrafamilial violence and lack of parental means. In this context the strengthening of the capability of the family to fulfil basic functions of socialization and inculcation of values was regarded as critical. In view of this the committee recommended the following measures:

(a) Short term:

(i) The conduct of parenting seminars/family life education programmes in a variety of non-stigmatizing settings, such as neighbourhood schools, maternity clinics and churches;

(ii) The dissemination of information on family life education;

(iii) The provision of intensive counselling and support for families in distress in collaboration with voluntary organizations;

(b) Medium/long term:

(i) The establishment of multipurpose facilities, particularly in high-risk communities with provision for counselling rooms, education and training programmes, recreation, etc.;

(ii) The solidification of the legal framework for protecting families and their individual members from detrimental practices such as child abuse, neglect and domestic violence.

157. Homelessness/destitution. The committee noted the problem of youth homelessness and in particular the situation of young people who leave the children's homes and various correctional institutions. The committee recommended the following measures:

(a) Short term:

(i) The provision of temporary shelters and counselling services for youths who are destitute with a view to reuniting them with their families;

(b) Medium/long term:

(i) The development of programmes at the custodial institutions which focus on building self-esteem, positive attitudes, moral values, etc. to enhance the quality of individuals emerging from these institutions;

(ii) The introduction of preparatory and counselling programmes for youths about to leave institutions such as children's homes and correctional institutions; and

(iii) The establishment of half-way houses to accommodate juveniles discharged from children's homes and correctional institutions with no alternative accommodation.

158. Drug use and abuse. The committee recommended the following measures:

(a) Short term:

(i) The commissioning by Government of a survey of drug use among the post-school-age population to determine the incidence of drug use and abuse and to identify circumstances associated with the onset of the habit;

(ii) The collection of data for both school and post-school persons which would distinguish the incidence among males and females so that appropriate treatment and communication strategies may be devised; and

(iii) Continued support of the public awareness programmes sponsored by the National Alcohol and Drug Abuse Prevention

Programme and others and, following research, the use of targeted marketing strategies to address those sectors of the population most at risk.

159. The committee made the following general recommendations:

(a) The establishment of an implementation committee to develop an action plan for introduction of measures approved by Cabinet;

(b) The institution of measures to ensure the collection of statistics pertaining to juvenile and youth crime in a structured comprehensive manner in order to accurately reflect the extent of the problems of juvenile delinquency and youth crime in the society, such as the establishment of a post of demographer with a specialization in criminology at the Central Statistical Office; and

(c) The establishment of a centre for criminological research which could access findings from international sources.

160. Correctional Programmes. The committee also endorsed the recommendations for institutional care reform contained in the Ministry of Social Development (Family Services Division) report on the situation analysis of children in extremely difficult circumstances, such as:

(a) Training:

(i) Upgrading of the entry requirement for care givers so that recruits and trainees might have the potential to fulfil the mission of the correctional organization;

(ii) Ongoing training and retraining of staff to equip them to better understand and respond to the challenges of their jobs,

(b) Youth Training Centre:

(i) The adoption of relevant aspects of the programme at the Youth Training Centre by other correctional institutions;

(ii) Further legislative reform to allow greater flexibility in the treatment of residents at the Centre, especially in respect of the authority to involve young male offenders in activities outside the institution other than education and training;

(iii) The assignment to the Youth Training Centre of a social worker trained in rehabilitation and counselling;

(c) Probation Services:

(i) The development of rehabilitation programmes for the 21 to 25-year old age group;

(ii) The provision of a formal after-care programme, possibly under the auspices of the Probation Service, for youths discharged from the Youth Training Centre;

(iii) The initiation of a follow-up programme for ex-probationers in terms of a routine check on the individual's status one or two years after the probation period.

161. In keeping with the general recommendations, a committee has been appointed to monitor implementation of the recommendations contained in the Juvenile Delinquency and Youth Crime Committee report and a subsequent ministerial report identifying programmes pertinent to the recommendations. This committee has been mandated to:

(a) Ensure coordination of the activities of the various ministries in respect of the implementation of projects/programmes identified in the report;

(b) Review progress of the projects/programmes;

(c) Evaluate the impact of project/programme implementation on the crime situation;

(d) Prepare semi-annual reports; and

(e) Make recommendations for the introduction of new projects/programmes or the expansion of existing ones based on evaluation.

162. In order to facilitate the execution of its mandate the committee is engaged in the following tasks.

(a) Identification of monitoring indicators in order to track progress of the various projects/programmes;

(b) Sensitization of the various Ministries to the committee's mandate; and

(c) Sensitization of institutions targeting youth at risk.

163. The following factors and difficulties exist:

(a) The existing law(s) governing offences against children is(are) archaic and often contradictory;

(b) There are insufficient staff and courts to meet the requirements of the legal services;

(c) Severe financial and human resource constraints prevent the implementation of measures alternative to institutionalization;

(d) Effective monitoring mechanisms are non-existent for children who are being dealt with under the law;

(e) Inadequacy of existing preventive programmes for children at risk;

(f) The majority of staff in institutions is ill-equipped in terms of attitude and training to address the special needs of the deprived children in care.

B. Children in situations of exploitation, including physical and psychological recovery and social reintegration

Economic exploitation, including child labour (art. 32)

164. The Children Act, chapter 46:01 clearly states that a child under 12 cannot be employed. Children under 14 cannot be employed in any industrial undertaking other than one in which only members of the same family are employed.

165. Part VI of the Occupational Health and Safety Bill, 1993 which deals with the employment of young persons requires a young person to have a certificate of fitness from a registered medical practitioner before that young person can be employed in an industrial establishment for a period of three months or more.

Drug Abuse including measures to prevent the use of children in the illicit production and trafficking of substances (art. 33)

166. The legislation in place conforms with this article.

167. The Government recently revised the administrative machinery for the demand reduction aspect of the National Alcohol and Drug Abuse Prevention Programme (NADAPP) to comprise:

(a) A Technical Advisory Council on Alcohol and Drug Abuse (TACADA) with responsibility for the development and implementation of the demand reduction aspect of the NADAPP;

(b) Ten sub-committees to act as advisory bodies to TACADA and with responsibility for developing strategies to implement the various components of the programme;

(c) A secretariat;

(d) Small Drug Abuse Prevention Units in relevant ministries.

168. The NADAPP is engaged in a number of priority interventions, including:

(a) A comprehensive public education campaign which is being conducted through its Information Centre and outreach activities within the primary and secondary school system;

(b) A substance abuse prevention policy is being formulated in collaboration with the Ministry of Education to include the training of teachers and peer group leaders and the development of a curriculum-based drug education programme;

(c) Community prevention programmes in conjunction with NGOs.

Sexual exploitation and sexual abuse (art. 34)

169. The provisions of the Sexual Offences Act 1986 address sexual exploitation and abuse:

(a) It is an offence punishable by life imprisonment for a male to have sexual intercourse with a female who is under 14 years and is not his wife (sect. 6, Sexual Offences Act, 1986);

(b) Incest was introduced as a criminal offence in 1979 and now appears in the Sexual Offences Act. The offence is committed when a person has sexual intercourse with someone they know to be a blood relative. The relationships that are covered are parent, child, brother, sister, grandparent, grandchild, uncle, niece, aunt or nephew and half brothers and sisters. Family relationships which are not blood relationships are also provided for. It is an offence for an adult to have sexual intercourse with a minor who is their adopted child, foster child, ward or dependant in their custody;

(c) Sexual intercourse by an adult with a minor in their employ (who is not their spouse) or who is subjected to that adult's control or direction through their employment, or receives wages or salary directly or indirectly from that adult, is an offence punishable by up to 10 years' imprisonment (sect. 11, Sexual Offences Act 1986);

(d) Buggery is punishable by life imprisonment if committed by an adult on a minor, by 10 years' imprisonment if committed by an adult on another adult, and by 5 years' imprisonment if committed by a minor (sect. 13, Sexual Offences Act, 1986);

(e) Indecent assault is punishable by up to 5 years' imprisonment. A person who is under 16 years cannot give any consent that would prevent such an act from being assault;

(f) Procuring a minor under 16 to have sexual intercourse is treated in the same way as procuring for prostitution, and is punishable by up to 15 years' imprisonment.

170. Consistent with the United Nations Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, a committee was convened within the Ministry of Social Development to formulate an appropriate National Programme of Action as well as to address a number of current Ministry concerns such as the elimination of poverty, anti-crime measures, protection against abuse and adoption procedures in Trinidad and Tobago. In this regard, a number of recommendations specific to the adoption process are being reviewed by the Adoption Board including amendments in respect of the Adoption of Children Act.

171. Additionally, the committee determined that there was insufficient data concerning the sale of children, child prostitution and child pornography in the national context on which to formulate appropriate strategies. As a result, an exploratory study of these phenomena will be conducted shortly. The objectives of the project are to:

(a) Derive quantitative and qualitative data on the nature and extent of child prostitution in Trinidad and Tobago;

(b) Provide the scientific basis for the development of strategies to reduce the incidence of and to prevent an increase in child prostitution.

IX. CONCLUSION

172. The high priority accorded matters related to children in Trinidad and Tobago is evident by the large extent to which local legislation conforms with the provisions of the Convention on the Rights of the Child. This notwithstanding, the preparation of the initial report detailing implementation measures vis-à-vis the Convention, afforded this country a welcome opportunity to critically assess the situation of children from a number of perspectives.

173. The process revealed not only the strengths, but the weaknesses in the existing administrative machinery for addressing children's issues. In this regard, the need for the establishment of a single authority to facilitate policy formulation on matters related to children as well as integrated service delivery emerged as a clear priority. It is envisaged that the passage of the Child Care Services Bill, currently under review, will address this issue as it makes provision for the establishment of a Child Care Board.

174. The examination of all the laws related to the child and family revealed that several pieces of legislation require amendment, paramount among them the clarification and restructuring of the definition of the child to extend protection to young persons up to the age of 18 years old. The Children Act, chapter 46:01 has already been reviewed in this context.

175. The establishment of a system of continuous data collection has also been identified as a critical variable to ensure monitoring of the situation of children. Such an information system would readily inform the policy formulation and programme development process, thus facilitating timely interventions. Cognizant that monitoring of the health and nutrition status of children, particularly of the under-five age group, is crucial to future survival and development, the Ministry of Health is in the process of developing an information database which will include the collection of health and nutrition data pertinent to women and children.

176. The Ministry of Social Development is also in the process of developing a management information system which will include monitoring indicators regarding the situation of children in especially difficult circumstances, among others.

177. The provisions stipulated in the Convention on the Rights of the Child have revealed two specific issues worthy of mention. These are the cultural relevance of the Convention in the context of a multicultural society such as Trinidad and Tobago and the concomitant need for sensitization of the population at all levels.

178. "Cultural appropriateness" has emerged specifically with regard to issues such as the minimum age for marriage, corporal punishment and respect for the

views of the child, among others. In order to facilitate effective attitudinal and behavioural change, sensitization of the national community as well as consultation at all levels appear to be necessary first steps. Trinidad and Tobago is in the process of developing a sensitization campaign targeting the education system, private enterprise, non-governmental organizations, State agencies and the media, as the Government is of the firm view that joint action and coordination is the most viable means of strengthening and vitalizing a children's rights culture.

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ANNEX I

Achievements in relation to the health goals adopted at the World Summit for Children

Goal 1: Reduction of infant and under-five child mortality rate by one third or to 50 and 70 per 1,000 live births respectively, whichever is less.

1. Primary Indicator(s)

A. Under-five child mortality rate (1990)

- male 3.12 per 1,000 live births
- female 2.53 per 1,000 live births
- both sexes 2.80 per 1,000 live births

B. Infant mortality rate (1990)

- male 13.96 per 1,000 live births
- female 11.39 per 1,000 live births
- both sexes 12.70 per 1,000 live births

Both sexes 10.5 per 1,000 live births (1992)

2. Secondary Indicator(s)

A. Neonatal mortality rate (1990)

(deaths in first 28 days after birth) - male 9.83 per 1,000 live births, female 8.18 per 1,000 live births.

Both sexes 6.89 per 1,000 live births (1992)

Goal 2: Between 1990 and the year 2000, reduction of maternal mortality rate by half.

A. Primary Indicator(s)

Maternal Mortality rate (1992) - 60.79 per 100,000 population.

Goal 3: Between 1990 and the year 2000, reduction of severe and moderate malnutrition among under-five children by half.

1988 - 7 per cent of the children in Trinidad and Tobago classified as "malnourished".

The statistics suggest a very low level of malnutrition in the country.

SUPPORTING NUTRITION GOALS

Goal 12: Reduction of the rate of low birth weight (less than 2.5 kg) to less than 10 per cent.

A. Primary Indicator(s)

Proportion of live births that weigh below 2,500 grams - (1989) - 18 per cent of all live births.

Goal : Global eradication of poliomyelitis by the year 2000

A. Primary Indicator(s) (shorter term)

Number of new cases of flaccid paralysis per 100,000 population - (1990) - NIL

B. Primary Indicator(s) (longer term)

Number of new confirmed cases of polio per 100,000 population - (1990) - NIL

Goal 20: Elimination of neonatal tetanus by 1995

A. Primary Indicator(s)

Number of deaths from neonatal tetanus per 1,000 live births

1990 - NIL
1992 - NIL

B. Secondary Indicator(s)

Number of cases of neonatal tetanus per 1,000 live births

1990 - NIL
1992 - NIL

Goal 21: Reduction by 95 per cent in measles deaths and reduction by 90 per cent of measles cases compared to pre-immunization levels by 1995, as a major step to the global eradication of measles in the longer run.

A. Primary Indicator(s)

Number of under-five deaths from measles per 1,000 live births

1990 - NIL
1992 - NIL

B. Secondary Indicator(s)

Prevalence of measles in under-five population

1990 - 3.7 per 1,000 persons.

Goal 22: Maintenance of a high level of immunization coverage (at least 90 per cent of children under one year of age by the year 2000) against diphtheria, tuberculosis and against tetanus for women of child-bearing age.

A. Primary Indicator(s)

Proportion of one-year-old children fully immunized against measles - (1990) - 69 per cent of the population aged (0-24 months). Proportion of pregnant women fully immunized against tetanus. Data not readily available.

B. Secondary Indicator(s)

Proportion of one-year-old children fully immunized against DPT - (1990) - 82.8 per cent of the population aged 0-12 months.

Proportion of one-year-old children fully immunized against tuberculosis - current statistical data is not readily available. However very few cases of this disease have been reported within recent time.

Goal 23: Reduction by 50 per cent in the deaths due to diarrhoea in children under the age of five years and 25 per cent reduction in the diarrhoea incidence rate.

A. Primary Indicator(s)

Number of under-five deaths from diarrhoea per 1,000 live births - 1992 - 0.3 per cent per 1,000 population.

B. Secondary Indicator(s)

Prevalence of all cases of diarrhoea in under-fives treated with oral rehydration salts or an appropriate household solution - (1990) - 100 per cent of all cases are treated with oral rehydration therapy.

Goal 24: Reduction by one third of the deaths due to acute respiratory infections in children under five years.

A. Primary Indicator(s)

Number of under-five deaths from pneumonia per 1,000 live births - 1992 - 1.1 per cent per 1,000 live births.

B. Secondary Indicator(s)

Prevalence of pneumonia in under-five population - current data specific to the under-five population is unavailable. The proportion for infants (under one year old) in 1990 was 5.5 per 1,000 population.

Proportion of health facilities which have appropriate antibiotics and at least one staff member trained in ARI case management - (1990) 60 per cent of all government health facilities.

SUPPORTING WATER GOAL

Goal 25: Elimination of guinea-worm disease (dracunculiasis) by the year 2000.

A. Primary Indicator(s)

Number of new cases of dracunculiasis (guinea-worm) per 100,000 population - (1992) - NIL.

B. Secondary Indicator(s)

Proportion of villages which have any cases of dracunculiasis - (1992) - NIL.

ANNEX II

Recorded achievements in reaching the World Summit for Children goals in the field of education

Goal 6: Universal access to basic education, an achievement of primary education by at least 80 per cent of primary school age children through formal schooling with emphasis on reducing the current disparities between boys and girls*

1. Primary Indicator(s) (short term)

A. Proportion of children entering first grade of primary school who successfully complete grade 4

Male 91 per cent of the school age population

1990 -

Female 94 per cent of the school age population

The data suggests that Trinidad and Tobago is well on its way to achieving access to basic education in the near future.

B. Proportion of primary school age children enrolled in primary school (net enrolment)

1990 Net enrolment of primary school age children

Gender	Population	Enrolment	Population
Male	101 574	89 419	88
Female	101 961	91 712	90

The data shows a fairly equitable access to primary school by both sexes which indicates that the country does not suffer from any disparity between the sexes in obtaining educational opportunities.

2. Primary Indicator(s) (longer term)

A. Proportion of children 10 to 12 reaching a level of learning achievement in literacy, numeracy and life skills

1990 - 96 per cent of each gender who comprise students preparing for the Common Entrance Examination.

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* Data on Goal 6 refers to public schools only.

Although the statistical data shows that a very high level of students at the Common Entrance level are literate, the existence of many first year secondary school students with problems in literacy and numeracy suggests that the data is not truly representative of the situation. To assess the true situation more detailed analysis has to be done.

3. Secondary Indicators(s)

A. Proportion of children enrolled in primary school who are repeating a grade

	Male	10.3 per cent
1990 -		Comprising grade 7 children repeating the Common Entrance Examination
	Female	12.8 per cent

B. Proportion of children in each grade who drop out of primary school

Gender	Grade 1	Grade 2	Grade 3	Grade 4
Male	0.4	0.5	0.5	0.5
Female	0.4	0.6	0.6	0.6

Gender	Grade 4	Grade 6	Grade 7	
Male	0.5	0.7	2.1	
Female	0.6	0.6	1.6	

C. Average number of pupils per teacher in primary schools

1990 - 27 students per teacher

Goal 7: Reduction of the adult literacy rate (tne appropriate age group to be determined in each country) to at least half of its 1990 level, with emphasis on female literacy.

1. Primary Indicator(s)

A. Proportion of population aged 15 years and older who are able with understanding, to both read and write a short simple statement on everyday life

	Male	90 per cent
1990 -		Age 15+
	Female	93 per cent

The data reflects a high level of adult literacy which is fairly equitable between the sexes. However, other evidence suggests that many persons are illiterate, and many women are unable to maximise on educational and employment opportunities because they lack literacy skills. Accelerated steps are being taken to implement adult literacy programmes especially for women.